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In the Matter of)	
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Creation of a Low)	MM Docket No. 99-25
Power Radio Service)	
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The Walt Disney Company and ABC, Inc. (“Disney/ABC”) file these reply comments in response to the FCC’s Further Notice of Proposed Rulemaking soliciting public comment on a number of technical and ownership issues related to the Low Power FM radio service. Disney/ABC supports the comments filed by the National Association of Broadcasters (of which Disney/ABC is a member), and emphasizes one particular point – that the Commission cannot and should not alter the second- and third-adjacent channel spacing protections for full power FM radio stations.

ABC, Inc. is an indirect subsidiary of The Walt Disney Company, and owns (directly and through subsidiaries) over 60 commercial radio broadcast stations in the United States, both FM and AM. The ABC Radio stations are programmed in a wide variety of formats, including both News Talk and Music (country, rock, jazz, adult contemporary, adult alternative, and 80s). In addition, some ABC owned radio stations

operate as ESPN-formatted stations (i.e., sports-formatted stations airing both national and local sports programming).¹

The ABC Radio stations are committed to serving their local communities. The specific decisions as how to best serve their local communities are made by local management and by on-air personnel. In response to the FCC's Localism NOI, Disney/ABC filed an extensive detailing of the ABC Radio stations' localism efforts, and Disney/ABC asks that those comments be made part of this record.² However, a few examples are worth highlighting. Just this year, KLOS in Los Angeles became the first station ever to win the NAB Crystal Radio Award and the NAB Service to America Partnership Award in the *same* year. KLOS, together with KABC, KLOS, KSPN, and KDIS (the Los Angeles ABC Radio stations) has its own Community Affairs Department, which conducts leadership lunches with local community and non-profit leaders to ascertain local issues and produces a one-hour weekly community show called "Spotlight on the Community." WPLJ, in New York, broadcasts a feature called "Race Taylor's Community Calendar," which was launched post-September 11 and which has evolved to make the community aware of local community services and fund-raising events. ESPN 103.3, in Dallas Ft. Worth, airs eight hours of local sports-related programming Monday through Friday. In addition, any number of ABC Radio stations air weekly programs highlighting local music, including KLOS (Los Angeles), KXXR

¹ Many of Disney/ABC's AM stations operate as Radio Disney stations. Radio Disney is a children's radio network dedicated to programming high quality, wholesome entertainment that is beneficial to children, families, and the local communities.

² Comments of The Walt Disney Company, In the Matter of Broadcast Localism, MB Docket No. 04-233 (filed November 1, 2004).

(Minneapolis), KSCS (Dallas-Ft. Worth), and WZZN (Chicago). And, during last political cycle, WGVX/Y/Z (Minneapolis) offered candidates free air time to discuss issues and community concerns as part of the public affairs show “On Point.”

Given the breadth and depth of the localism initiatives of the ABC Radio Stations, ABC submits that the goals of localism would not be served by diminishing the protections currently afforded full-power FM stations. Moreover, as NAB discusses in detail at pages 6-8 of its comments, the FCC is statutorily proscribed from altering the second- and third-adjacent channel protections as against LPFM stations. The Radio Broadcast Preservation Act provides that “The Federal Communications Commission shall modify the rules authorizing the operation of low-power FM stations ... to ... prescribe the minimum distance separation for third-adjacent channels (as well as for co-channels and first- and second-adjacent channels) ... [and] may not eliminate or reduce the minimum separations for third-adjacent channels ... except as authorized by an Act of Congress.”³ Therefore, the Commission does not have the statutory authority to modify interference protections for full power FM stations vis-à-vis LPFM stations.

The Commission itself recognized the statutory limitation in the Further Notice. As the Commission concluded in Paragraph 34 of the Further Notice, the FCC cannot alter its interference methodology because the “[a]doption of a contour overlap approach is statutorily barred at this time. Congress has mandated the use of a distance separation methodology to protect FM stations from LPFM station interference by directing the Commission to prescribe co-, first-, second-, and third-adjacent channel ‘minimum

³ District of Columbia Appropriations Act, FY 2001, Pub. L. No. 106-553, Section 632, 114 Stat. 2762, 2762A-111 (2000).

distance separations’ for LPFM stations. Thus, the FCC may not use the fundamentally different contour methodology to license LPFM stations.”

In conclusion, Disney/ABC submits that the FCC not only is proscribed from diminishing the interference protections afforded full power FM stations against LPFM stations, but also that in light of the ABC Radio stations’ commitment to localism, such a change is not warranted.

	Respectfully submitted,
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